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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,997	12/27/2000	Roy Kenneth Chrisop	SLA.0290	6874

7590 08/18/2004  
Robert D. Varitz  
ROBERT D. VARITZ, P.C.  
380 Harrison Square  
1800 S.W. First Avenue  
Portland, OR 97201

EXAMINER

DIVINE, LUCAS

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 08/18/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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SEP 01 2004

Technology Center 2600

**Office Action Summary**

Application No.

09/749,997

Applicant(s)

CHRISOP ET AL.

Examiner

Lucas J Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 and 7 are objected to because of the following informalities: the method claims do not include appropriate step language. The claimed method would be more complete if the word 'comprising' was replaced with 'comprising the steps of'. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo (US 5287194).

Regarding claim 1, Lobiondo teaches **a network of connected output devices** (Fig. 1, col. 3 line 5); **entering a print job at a first network device** (col. 3 lines 37-40 and col. 6 lines 26-27, wherein a job is input to a first network output device can be a print server, printer, or other output device with memory and processing unit); **querying other devices to determine if their capable based on device characteristics and pending print jobs** (col. 2 lines 51-54 and col. 4 lines 46-52 and col. 5 lines 51-54, wherein jobs are scheduled to available and capable

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printers); **transmitting print jobs to each capable output device** (Fig. 4 ref. no. 450, col. 2 lines 58-62 and col. 5 lines 54 and 55, wherein jobs are transmitted to each location); **reporting the completion of print job copies by the output device** (col. 5 line 3 and col. 7 line 2, wherein the reporting of the availability status includes whether or not the output device has completed its current job); and **determining the number of copies to be printed by each device** (col. 3 lines 48-50 and col. 4 lines 54-68, wherein number of copies and scheduling is determined for a plurality of printers).

Regarding claim 2, which depends from claim 1, Lobiondo further teaches **waiting for all the output devices reporting** (col. 4 line 51, wherein actions are taken after reports come back from the printing devices) **to optimize the number of copies printed by each output device** (col. 3 lines 48-50 and col. 4 lines 54-68, wherein efficient scheduling is cited for the allocations of print jobs portions).

Regarding claim 3, which depends from claim 1, Lobiondo further teaches **optimizing the number of copies to be printed after a predetermined time wherein the number of copies is allocated only among the first device and those that reported** (col. 3 lines 48-50 and col. 4 line 35-36, wherein if the user selects a maximum time for the job, the scheduler would not wait longer than a set time to determine availability of devices and would allocate jobs efficiently based on the ones that did report as available).

Regarding claim 4, which depends from claim 1, Lobiondo further teaches **the number of copies exceeding a certain number** to distribute the printing (col. 4 line 17, wherein there is a specific number according to each system that would determine the job to be large); **initiating print on itself and other output devices that have reported completion of their first copy**

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(col. 5 lines 3-4); and **the final determining of number of copies which each output device is to print after all of the other output devices have reported** (col. 3 lines 48-50 and col. 4 lines 51 and 56 and col. 5 lines 51-54, wherein the final allocation of jobs is completed once all locations have been checked for availability).

Regarding claim 5, which depends from claim 1, Lobiondo further teaches that **the entering of print jobs includes loading and storing the job on a network output device** (col. 3 lines 37-41, wherein print jobs are stored in a print server device which could be located on any output device with a processing unit and a storage unit).

Regarding claim 6, which depends from claim 1, Lobiondo further teaches **said determining can be performed by a first network output device** (col. 3 lines 37-46, wherein the print scheduler functions can all be located on any network device with processing unit and storage means).

Regarding claim 7, claim 7 includes the same limitations as claims 1, 5, and 6. Lobiondo teaches all of the limitations of claims 1, 5, and 6 as rejected above. Claim 7 is therefore rejected for the reasons stated in the rejections of claims 1, 5, and 6.

Regarding claim 8, which depends from claim 7, claim 8 includes the same limitations as claims 1, 2, 5, and 6 as included in independent claim 7. Lobiondo teaches all of the limitations of claims 1, 2, 5, and 6. Claim 8 is therefore rejected for the reasons stated in the rejections of claims 1, 2, 5, and 6.

Regarding claim 9, which depends from claim 7, claim 9 includes the same limitations as claims 1, 3, 5, and 6 as included in independent claim 7. Lobiondo teaches all of the limitations

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of claims 1, 3, 5, and 6. Claim 9 is therefore rejected based on the rejections of claims 1, 3, 5, and 6.

Regarding claim 10, which depends from claim 7, claim 10 includes the same limitations as claims 1, 4, 5, and 6 as included in independent claim 7. Lobiondo teaches all of the limitations of claims 1, 4, 5, and 6. Claim 10 is therefore rejected based on the rejections of claims 1, 4, 5, and 6.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please give special consideration to the review of these patent documents.

US-6,687,018 Leong et al. 2-3-2004: teaches a system and method for distributing print jobs, including: entry of print jobs, determining capability according to job characteristics and pending jobs, maximum wait times for jobs, transmission of print jobs, and reporting of completed jobs;

US-6,654,136 Shimada 11-25-2003: teaches allowing a plurality of printers to print a document including determining copies to be printed by each printer;

US-6,498,656 Mastie et al. 12-24-2002: teaches a rule based determining of capable printers for print jobs;

US-6,466,326 Shima 10-15-2002: teaches a printer and printing method including reporting of completed jobs;

US-6,348,971 Owa et al. 2-19-2002: teaches a system and method for selecting optimum printing of jobs including: entry of print jobs, determining capability according to job

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characteristics and pending print jobs at output devices, transmitting jobs to capable printers, reporting of printer status including completed jobs, and determining optimum printers for portions of print jobs;

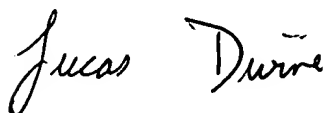
US-5,995,721 Rourke et al. 11-30-1999: teaches a distributed printing system including printing portions of print jobs on a plurality of printers; and

US-5,574,831 Grenda 11-12-1996: teaches using an array of printing devices to print large jobs at a higher speed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas J Divine whose telephone number is 703-306-3440. The examiner can normally be reached on Monday through Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lucas J Divine  
Examiner  
Art Unit 2624

ljd

**DAVID MOORE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

<b>Notice of References Cited</b>	Application/Control No. 09/749,997	Applicant(s)/Patent Under Reexamination CHRISOP ET AL.	
	Examiner Lucas J Divine	Art Unit 2624	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,687,018	02-2004	Leong et al.	358/1.15
	B	US-6,654,136	11-2003	Shimada, Naoki	358/1.15
	C	US-6,498,656	12-2002	Mastie et al.	358/1.15
	D	US-6,466,326	10-2002	Shima, Toshihiro	358/1.12
	E	US-6,348,971	02-2002	Owa et al.	358/1.15
	F	US-5,995,721	11-1999	Rourke et al.	358/1.15
	G	US-5,574,831	11-1996	Grenda, Robert	358/1.4
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



1449A/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Complete If Known	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				Application Number	09/749997
				Filing Date	December 27, 2000
				First Named Inventor	Roy Kenneth Chrisop
				Group Art Unit	2624
				Examiner Name	Lucas Divine
Sheet	1	of	1	Attorney Docket No.	SLA.0290

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 12/27/00

U.S. PATENT DOCUMENTS					
Examine r Initials	Cite No. <sup>1</sup>	U.S. Patent Document Kind Number Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Figures Appear
LJD		4,125,874	Higashide et al.	11-14-78	
LJD		5,179,673	Steely, Jr. et al.	01-12-93	
LJD		5,287,194	Lobiondo	02-15-94	
LJD		5,467,434	Hower, Jr. et al.	11-14-95	
LJD		5,596,416	Barry et al.	01-21-97	
LJD		5,699,102	Ng et al.	12-16-97	
LJD		5,784,077	Silverbrook	07-21-98	
LJD		5,859,711	Barry et al.	01-12-99	
LJD		5,940,186	Barry et al.	08-17-99	
LJD		5,978,560	Tan et al.	11-02-99	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY	Pages, Columns, Lines, Where Relevant Passages or Figures Appear	T <sup>6</sup>
		Office <sup>3</sup> Code <sup>5</sup>	Number <sup>4</sup>	Kind				

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, country where published, source.	T <sup>2</sup>

Examiner Signature	Lucas Divine	Date Considered	7/27/2004
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.1<sup>6</sup> if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached

